

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LONNIE BRIDGES, #438821,

Petitioner,

v.

CASE NO. 2:14-CV-12843
HONORABLE GERALD E. ROSEN

CARMEN PALMER,

Respondent.

**OPINION AND ORDER DENYING APPLICATION TO PROCEED IN FORMA
PAUPERIS AND DISMISSING HABEAS PETITION WITHOUT PREJUDICE**

Michigan prisoner Lonnie Bridges has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and an application to proceed in forma pauperis. Petitioner's certificate of prisoner institutional/trust fund account activity states that he had a current spendable account balance of \$375.62 in his prison account as of July 10, 2014 when an administrative officer of the Michigan Department of Corrections certified his financial statement. The Court concludes from the financial data that Petitioner has not established indigence and that he should be able to pay the \$5.00 filing fee for this action. Accordingly, the Court **DENIES** Petitioner's application to proceed in forma pauperis and **DISMISSES WITHOUT PREJUDICE** the petition for writ of habeas corpus. Petitioner may submit a new petition with payment of the filing fee.

Before Petitioner may appeal the Court's decision, a certificate of appealability must issue. See 28 U.S.C. § 2253(c)(1)(a); Fed. R. App. P. 22(b). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When a court denies relief on the merits, the substantial showing threshold is met if the petitioner demonstrates that reasonable jurists would find the court's assessment of the constitutional claim debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). When

a court denies relief on procedural grounds without addressing the merits, a certificate of appealability should issue if it is shown that jurists of reason would find it debatable whether the petitioner states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the court was correct in its procedural ruling. *Id.* Jurists of reason would not find the Court's procedural ruling debatable. Accordingly, the Court **DENIES** a certificate of appealability. This case is closed.

IT IS SO ORDERED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: July 28, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 28, 2014, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135